

DISTRICT OF COLUMBIA
+ + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

FDK Restaurant of National	
Palace, Inc. t/a A Slice of	Show Cause
Italy Pizzeria	Hearing
1331 Pennsylvania Ave., NW	(Status)
Retailer DR - ANC-2C	
License No. 7255	
Case #15-AUD-00027	

(Failed to Maintain Books
and Records)

June 10, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

CHRISSY GEPHARDT, OAG

1 P-R-O-C-E-E-D-I-N-G-S

2 9:37 a.m.

3 CHAIRPERSON MILLER: The next case is
4 15-AUD-00027, A Slice of Italy Pizzeria. This
5 one is located at 1331 Pennsylvania Avenue, N.W.,
6 License No. 7255, in ANC-2C. Good morning.

7 MS. GEPHARDT: Chrissy Gephardt here
8 on behalf of the Office of the Attorney General.

9 MR. HOWARD: Good morning, Madam
10 Chairperson, William Howard representing the
11 licensee, and Members of the Board.

12 CHAIRPERSON MILLER: Okay. Good
13 morning. Let me ask you if your client received
14 notice of this hearing? You can sit down.

15 MR. HOWARD: He did receive notice.

16 CHAIRPERSON MILLER: Okay.

17 MR. HOWARD: I would like to make a
18 representation to the Board, which I have about a
19 70 percent accuracy. Mr. DiFada is the chief
20 operating officer. His son is on an aircraft
21 carrier and had an emergency. And he has some
22 kind of a communications issue with the Pentagon

1 and that's where he has to be.

2 CHAIRPERSON MILLER: Okay.

3 MR. HOWARD: He is over in -- off of
4 the coast in the --

5 CHAIRPERSON MILLER: Okay.

6 MR. HOWARD: But he knew -- he knows
7 about the terms and conditions of the Offer in
8 Compromise and knows how to say yes.

9 CHAIRPERSON MILLER: Okay. Let me
10 just ask you my preliminary questions that I've
11 got to get on the record. That you did -- that
12 he did receive notice. Did he read it and
13 understand it?

14 MR. HOWARD: We did.

15 CHAIRPERSON MILLER: Okay. So there
16 is no notice issue with respect to this hearing.

17 MR. HOWARD: No, ma'am.

18 CHAIRPERSON MILLER: Okay. You can
19 sit down because the mike is actually on the
20 table.

21 Ms. Gephardt, there is a preliminary
22 matter?

1 MS. GEPHARDT: Yes, we do have a
2 preliminary matter. In this case, the parties
3 have reached an Offer in Compromise which
4 consists of a mandatory written warning. This is
5 the establishment's first books and records
6 violation and that is what the parties have
7 agreed to.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Howard, I think that I just heard you say you
10 agreed to the Offer in Compromise, but now that
11 it has been stated on the record as a mandatory
12 written warning, I would like to ask you again if
13 you agree to that Offer in Compromise?

14 MR. HOWARD: That is absolutely
15 correct.

16 CHAIRPERSON MILLER: Okay. And you
17 understand that your client waives a hearing and
18 an appeal?

19 MR. HOWARD: Yes, ma'am.

20 CHAIRPERSON MILLER: Okay. Are there
21 any questions by Board Members? Mr. Alberti?

22 MEMBER ALBERTI: So, Ms. Gephardt,

1 these were books and records for what year?

2 MS. GEPHARDT: This is actually not my
3 case. 2014.

4 MEMBER ALBERTI: All right. Well,
5 since -- so the Investigator wasn't there in
6 January. So Mr. Howard, you may not know this,
7 but I will ask you to communicate this to your
8 client. We expect books and records for the
9 entire year of 2015 to be kept.

10 MR. HOWARD: Absolutely.

11 MEMBER ALBERTI: We expect books and
12 records to be kept from January forward when the
13 Investigator was there.

14 MR. HOWARD: Yes, sir.

15 MEMBER ALBERTI: That is our
16 expectation. They were put on notice then by the
17 visit of the Investigator.

18 MS. GEPHARDT: He just said it was
19 2013.

20 MEMBER ALBERTI: Yes, I know, but they
21 were not -- I mean, correct. But the
22 investigation didn't begin in 2015, so that's

1 when they became aware of it.

2 MS. GEPHARDT: Right, right, right.

3 MEMBER ALBERTI: Yes, thank you. So
4 you know, this Board will take that. If we find
5 in the future that they are not keeping books and
6 records, we will take that into account.

7 MR. HOWARD: Very good.

8 MEMBER ALBERTI: And I would like you
9 to communicate that to your client.

10 MR. HOWARD: Will do, sir.

11 MEMBER ALBERTI: Thank you.

12 CHAIRPERSON MILLER: Okay. Others?
13 All right. Then at this point, I would like to
14 move to approve the Offer in Compromise of a
15 mandatory written warning. Do I have a second?

16 MEMBER SHORT: Second.

17 CHAIRPERSON MILLER: Mr. Short has
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 6-0-0.

2 Okay. Okay. You will receive a copy
3 of the warning. Okay. Thank you very much.

4 MR. HOWARD: Thank you.

5 (Whereupon, the Show Cause (Status)
6 Hearing in the above-entitled matter was
7 concluded at 9:42 a.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

A a.m 2:2 7:7 above-entitled 7:6 absolutely 4:14 5:10 abstaining 6:22 account 6:6 accuracy 2:19 agree 4:13 agreed 4:7,10 aircraft 2:20 Alberti 1:17 4:21,22 5:4 5:11,15,20 6:3,8,11 Alcoholic 1:2,13,13 ANC-2C 1:8 2:6 appeal 4:18 approve 6:14 Attorney 2:8 Ave 1:7 Avenue 2:5 aware 6:1 aye 6:19,20	DiFada 2:19 DISTRICT 1:1 DONALD 1:18 DR 1:8 E emergency 2:21 entire 5:9 establishment's 4:5 expect 5:8,11 expectation 5:16 F Failed 1:10 favor 6:19 FDK 1:6 find 6:4 first 4:5 forward 5:12 future 6:5	located 2:5 M ma'am 3:17 4:19 Madam 2:9 Maintain 1:10 mandatory 4:4,11 6:15 matter 1:5 3:22 4:2 7:6 mean 5:21 MEETING 1:3 Member 1:17,18,18,19 1:19 4:22 5:4,11,15 5:20 6:3,8,11,16 Members 2:11 4:21 met 1:13 mike 1:18 3:19 Miller 1:15,17 2:3,12,16 3:2,5,9,15,18 4:8,16 4:20 6:12,17,21 morning 2:6,9,13 motion 6:18,22 move 6:14	Q questions 3:10 4:21 R reached 4:3 read 3:12 receive 2:15 3:12 7:2 received 2:13 record 3:11 4:11 records 1:10 4:5 5:1,8 5:12 6:6 Reeves 1:14 representation 2:18 representing 2:10 respect 3:16 Restaurant 1:6 Retailer 1:8 right 5:4 6:2,2,2,13 RODRIGUEZ 1:19 Room 1:14 Ruthanne 1:15,17
B behalf 2:8 Beverage 1:2,13,13 Board 1:2,13 2:11,18 4:21 6:4 books 1:10 4:5 5:1,8,11 6:5 BROOKS 1:18 Building 1:14	General 2:8 Gephardt 1:21 2:7,7 3:21 4:1,22 5:2,18 6:2 good 2:6,9,12 6:7	N N.W 1:14 2:5 National 1:6 NICK 1:17 notice 2:14,15 3:12,16 5:16 NW 1:7	S second 6:15,16 seconded 6:18 Short 1:19 6:16,17 Show 1:6 7:5 SILVERSTEIN 1:18 sir 5:14 6:10 sit 2:14 3:19 Slice 1:6 2:4 son 2:20 stated 4:11 Status 1:7 7:5 Street 1:14 Suite 1:14
C carrier 2:21 case 1:9 2:3 4:2 5:3 Cause 1:6 7:5 Chairperson 1:14,17 2:3,10,12,16 3:2,5,9 3:15,18 4:8,16,20 6:12,17,21 chief 2:19 Chrissy 1:21 2:7 client 2:13 4:17 5:8 6:9 coast 3:4 COLUMBIA 1:1 communicate 5:7 6:9 communications 2:22 Compromise 3:8 4:3,10 4:13 6:14 concluded 7:7 conditions 3:7 consists 4:4 Control 1:2,13,13 copy 7:2 correct 4:15 5:21	H heard 4:9 hearing 1:7,13 2:14 3:16 4:17 7:6 HECTOR 1:19 Howard 2:9,10,15,17 3:3,6,14,17 4:9,14,19 5:6,10,14 6:7,10 7:4 I investigation 5:22 Investigator 5:5,13,17 issue 2:22 3:16 Italy 1:7 2:4	O OAG 1:21 Offer 3:7 4:3,10,13 6:14 Office 2:8 officer 2:20 Okay 2:12,16 3:2,5,9,15 3:18 4:8,16,20 6:12 7:2,2,3 operating 2:20 opposed 6:22	T t/a 1:6 table 3:20 take 6:4,6 terms 3:7 thank 6:3,11 7:3,4 think 4:9
D D.C 1:14	J JAMES 1:19 January 5:6,12 June 1:12	P P-R-O-C-E-E-D-I-N-G-S 2:1 Palace 1:6 parties 4:2,6 passes 7:1 Pennsylvania 1:7 2:5 Pentagon 2:22 percent 2:19 Pizzeria 1:7 2:4 point 6:13 preliminary 3:10,21 4:2 PRESENT 1:16,20 presiding 1:15 put 5:16	U understand 3:13 4:17 V violation 4:6 visit 5:17 W waives 4:17 warning 4:4,12 6:15 7:3 Washington 1:14 wasn't 5:5 William 2:10
K keeping 6:5 kept 5:9,12 kind 2:22 knew 3:6 know 5:6,20 6:4 knows 3:6,8 L License 1:8 2:6 licensee 2:11			

written 4:4,12 6:15

X

Y

year 5:1,9

Z

0

1

10 1:12

1331 1:7 2:5

14th 1:14

15-AUD-00027 1:9 2:4

2

2000 1:14

20009 1:14

2013 5:19

2014 5:3

2015 1:12 5:9,22

3

4

400S 1:14

5

6

6-0-0 7:1

7

70 2:19

7255 1:8 2:6

8

9

9:37 2:2

9:42 7:7